

REMARKS

Claims 1-62 are presently pending in the application. Applicants have submitted a Supplemental Information Disclosure (SID) Statement with this Response. The SID is being submitted at this time, and not earlier, because the item cited is referenced in this Response.

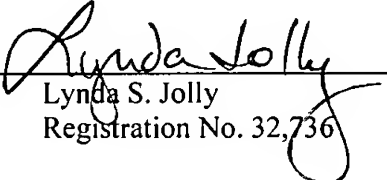
The Examiner is respectfully requested to reconsider and withdraw the rejection of claims 1-27 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-11 of U.S. 6,429,170 (Application Number 09/580,611). The Examiner is respectfully directed to page 1, lines 2 and 3 of the presently pending application which states that this application is a continuation-in-part of Appln. No. 09/580,611. Applicants respectfully suggest that since the presently pending application is a continuation-in-part of '170, a terminal disclaimer is not necessary. In addition, the Examiner is respectfully directed to 35 U.S.C. 154(a)(2) which states that the term of the presently pending application can be no longer than the term of the '170 patent.

The Examiner also argues that aluminate, as claimed in claims 1-27 of the present application is obvious over alumina, as claimed in the '170 patent. The Examiner is respectfully directed to Grant & Hackh's Chemical Dictionary, Fifth Ed., wherein the definition of alumina is "aluminum oxide, Al_2O_3 ". The definition for aluminate states that the term aluminate is indicative of "aluminum as the central atom(s) in an anion, ...a combination of Al_2O_3 with a metallic oxide; as, MgAl_2O_4 ". Thus, alumina and aluminate, while both contain aluminum, can be seen to be different compounds.

In view of the foregoing remarks, reconsideration and allowance of claims 1-27 are requested. Applicants note that claims 28-62 have been allowed by the Examiner.

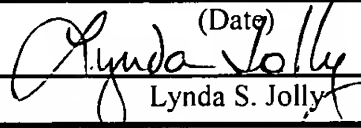
Respectfully submitted,

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<p style="text-align: center;">CERTIFICATE OF MAILING</p> <p>I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450, on</p> <p style="text-align: center;">DEC 22 2003 (Date)</p> <p style="text-align: center;"> Lynda S. Jolly</p>
